

### **REMARKS**

Claims 1-4, 6-17, 19-29, 31-42 and 44-46 are pending.

In the Non-final Office Action mailed on February 6, 2006, the Examiner rejected claims 1-4, 6-17, 19-29, 31-42 and 44-46 under 35 U.S.C. § 102. For the reasons set forth in detail below, applicant submits that the present application, including each of pending claims, is in condition for allowance.

#### **Rejection Under 35 U.S.C. § 102(e) of Claims 1-4, 6-17, 19-29, 31-42 and 44-46**

The Examiner rejected claims 1-4, 6-11, 13-17, 19-24, 26-29, 31-36, 38-42 and 44-46 under 35 U.S.C. § 102(e) as being anticipated by Dearth et al. (US Pat. No. 6,744,765).

The Examiner also rejected claims 1-3, 7-15, 19-28, 32-40 and 44-46 under 35 U.S.C. § 102(e) as being anticipated by Carvey et al. (US App. Pub. No. 2002/0049901).

The rejected independent claims 1, 10, 23, and 35 are directed, among other things, to multicasting data from a switch, wherein the received data is buffered and then transmitted through the available output/destination ports of the switch. Transmission of the data through the output ports of the switch continues, as the output ports become available, until there is a time-out or the data has been transmitted through all the output ports of the switch.

For a claim to be rejected based on anticipation under 35 U.S.C. §102(a), (b), and (e), MPEP 2131 requires that: "the reference must teach every element of the claim."

None of the passages referenced by the Examiner from Dearth or Carvey mentions anything about continuing data transmission through the output ports of the switch, as they become available, until a time-out or the exhaustion of all the output ports. For that matter,

nowhere in these two references is there any mention of trying to transmit the received data through all the output ports of the receiving switch, unless a time limit is imposed.

Neither Dearth nor Carvey teach or suggest what is recited in claims 1, 10, 23, or 35 and, therefore, a *prima facie* case of anticipation under Section 102 has not been established with respect to these independent claims and the withdrawal of the Section 102 rejection of these claims, in both cases, is requested.

Claims 2-4, 6-9, 11-17, 19-22, 24-29, 31-34, 36-42 and 44-46 depend from independent claims 1, 10, 23, and 35 and accordingly include the features of these independent claims. For reasons discussed above and for the additional features of these claims a *prima facie* case of anticipation under Section 102 has not been established with respect to these dependent claims and accordingly these claims should also be allowed.

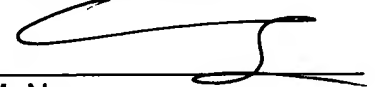
**Conclusion**

In view of the foregoing, all of the claims pending in the application are in condition for allowance and, therefore, a Notice of Allowance is respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6488.

In view of the above amendment, applicant believes the pending application is in condition for allowance. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 030048030US from which the undersigned is authorized to draw.

Dated: 6/28/06

Respectfully submitted,

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